

COASTAL CONSERVANCY  
Staff Recommendation  
September 29, 2016

**ARCATA RAIL WITH TRAIL CONNECTIVITY:  
HUMBOLDT BAY TRAIL NORTH CONSTRUCTION**

Project No. 08-030-02  
Project Manager: Su Corbaley

**RECOMMENDED ACTION:** Authorization to disburse up to \$550,000 to the City of Arcata to construct a 3-mile section of the California Coastal Trail and Humboldt Bay Trail from Arcata to Brainard's Slough on Humboldt Bay and to adopt a Mitigation Monitoring and Reporting Program for this project.

**LOCATION:** Arcata, Humboldt County

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

- Exhibit 1: [Project Location and Site Map](#)
  - Exhibit 2: [Humboldt Bay Trail Route Overview](#)
  - Exhibit 3: [Humboldt Bay Trail Configuration](#)
  - Exhibit 4: [Photos of Bridge Crossings and Trail Vegetation](#)
  - Exhibit 5: [Project Letters](#)
  - Exhibit 6: Arcata Rail with Trail Connectivity Project [Mitigated Negative Declaration](#) and [Addendum](#)
  - Exhibit 7: [Arcata Rail with Trail Connectivity Project: Humboldt Bay Trail North Construction Mitigation Monitoring and Reporting Program](#)
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq* of the Public Resources Code:

“The State Coastal Conservancy hereby (1) authorizes disbursement of an amount not to exceed five hundred fifty thousand dollars (\$550,000) to the City of Arcata to construct a 3-mile section of the California Coastal Trail and Humboldt Bay Trail from Arcata to Brainard Slough on Humboldt Bay (the project); and (2) adopts a Mitigation Monitoring and Reporting Program for the project, attached to the accompanying staff recommendation as Exhibit 7. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds, the City of Arcata shall submit for review and approval by the Conservancy's Executive Officer a work program including a schedule and budget, the names and qualifications of all contractors to be retained for the project, and evidence that all permits and approvals necessary for the project have been obtained.
2. Conservancy funding shall be acknowledged by erecting and maintaining a sign at the project site that has been reviewed and approved by the Conservancy's Executive Officer.
3. The City shall implement the Arcata Rail with Trail Connectivity Project: Humboldt Bay Trail North Construction Mitigation Monitoring and Reporting Program."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The proposed project will serve greater than local needs.
4. Pursuant to its responsibilities under the California Environmental Quality Act, the Conservancy, as a responsible agency, has independently reviewed the Arcata Rail with Trail Connectivity Project's Mitigated Negative Declaration approved by the City of Arcata on May 13, 2013, and its August 2016 Addendum, both attached to the accompanying staff recommendation as Exhibit 6. The Conservancy finds that the project as mitigated avoids, reduces, or mitigates the potential significant environmental effects to a level of insignificance, and there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382."

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## **PROJECT SUMMARY:**

Staff recommends the disbursement of up to \$550,000 to the City of Arcata (the City) to construct 3 miles of Class I Americans with Disabilities (ADA)-accessible, non-motorized, multi-use, paved trail from Highway 255 in the City, through the Arcata Marsh and Wildlife Sanctuary, south on the eastern edge of Humboldt Bay along the Eureka-Arcata Corridor, to Brainard Slough (See Exhibit 1) and also recommends adoption of a Mitigation Monitoring and Reporting Program for this project (See Exhibit 7). The proposed project will complete the construction of the City's Arcata Rail with Trail Connectivity Project (ARWTP). In 2008, the Conservancy authorized a planning grant for the ARWTP.

The ARWTP is a 4.5-mile section of the California Coastal Trail (CCT) planned from Larson Park north of town to a point half way to Eureka, along the Humboldt Bay Trail (HBT or bay trail) route following the North Coast Railroad Authority (NCRA) right of way (ROW) (Exhibit 2). Phase 1 of the ARWTP from Larson Park to Highway 255 was completed in 2015 (Exhibit

2, marked “Arcata City Trail”). The proposed project constitutes Phase 2 of the ARWTP (See Exhibit 2, marked “Humboldt Bay Trail North”). Completing this project will set the stage for constructing the HBT South segment to Eureka, currently being planned by the County of Humboldt (See also Exhibit 2). Eventually, the bay trail will connect with the Eureka Waterfront Trail, recently funded by the Conservancy and scheduled for construction between 2016 and 2017.

The Arcata-Eureka corridor is the preferred location of the CCT and a portion of the Pacific Coast Bike Route. As such, pedestrians and bicyclists utilize the margin of Highway 101 on the east edge of Humboldt Bay for north-south travel between Arcata and Eureka. However, because there is no physical barrier separating the highway shoulder from passing vehicles, users are at high risk of injury from vehicle strikes. Constructing a Class I trail away from the highway along the NCRA ROW would bypass this highway hazard for bicyclists and pedestrians. Several area recreation and transportation planning efforts have studied alternative routes around and along Humboldt Bay, including the:

- Humboldt County Bicycle Transportation Plan
- Humboldt County Regional Transportation Plan
- Humboldt County Pedestrian Needs Assessment
- City of Arcata Pedestrian & Bicycle Master Plan
- Eureka Trails Committee Waterfront Trail & Promenade Recommendations
- Humboldt Bay Trails Feasibility Study
- Humboldt County Bicycle Facilities Planning Project
- Humboldt Bay Trail Feasibility Study: Eureka to Arcata 2007

Particularly, the *Humboldt Bay Trails Feasibility Study* (2001), funded by the Conservancy, and the *Humboldt Bay Trail Feasibility Study: Eureka to Arcata 2007*, funded by the Humboldt County Association of Governments (HCAOG) in which the Conservancy participated, identified the HBT as the preferred route, including sections through and south of Arcata. Also, the Conservancy’s *Completing the California Coastal Trail* (2003) report recommends that the CCT corridor develop links to Arcata and Eureka, and that the 2001 feasibility study be implemented. Using Conservancy funds, the City completed full engineering and design, alignment determination, permitting and environmental review of the 4.5-mile ARWTP, and in 2015 completed construction of the 1.5- mile Arcata City Trail through town. The City has secured all other needed funds and, if these Conservancy funds are approved, is ready to begin the contracting and construction process for the Humboldt Bay Trail North in fall 2016.

The trail will follow mainly existing railroad beds and trails on existing ROW or properties owned or managed by the NCRA, the City, Caltrans, and US Fish and Wildlife Service (USFWS). The trail will have a 10-foot wide paved, two-inch thick hot-mix asphalt surface with 2-foot wide shoulders and will be wide enough to accommodate two-way bicycle and pedestrian travel (See Exhibit 3). Five bridge crossings will be installed to cross four sloughs (Butcher, Gannon, Jacoby Creek, and Old Jacoby Creek) (See Exhibit 4) and one wetland area in the northern portion of the Arcata Marsh. One viewing platform and several benches will be constructed in order to promote wildlife viewing and nature study. Several interpretive and way-finding signs will be installed. All new bridges will be 10-feet wide, with 4-foot high pedestrian

guard rails. Cutting and filling will be necessary in many areas to obtain an appropriate grade for the trail. This will require an estimated 3,500 cubic yards cut and 10,440 cubic yards filled.

In the early planning stages, beginning with the 2001 feasibility study, there were some public comments requesting HBT construction on the NCRA rail tracks, which have been unused since 1996, to re-use this publicly-owned asset and minimize the cost of constructing the trail between Arcata and Eureka. However, NCRA consistently expressed its intent to bring service back to the rails, and thus would not allow the trail on the tracks, (“rail to trail”), but was willing to consider the trail beside the tracks (“rail with trail”) within certain limitations.

Though there has been much public disagreement and discussion about the feasibility of bringing rail service back, the City collaborated early with NCRA and together they developed an agreeable approach to rail with trail for the HBT. NCRA developed and adopted trail safety guidelines which the City complied with in its design. In 2012, the NCRA Board of Directors adopted a resolution expressing support for the development of a trail within its ROW, and on March 14, 2016, NCRA and the City executed a License Agreement for use by the City for Rail-with-Trail projects within the NCRA ROW. Thus, the trail to be constructed within NCRA ROW will be located adjacent to, and not on, the existing, unused train tracks. If rail service returns, all trail segments adjacent to the railroad tracks will include a 4-foot high wood-rail fence installed between the trail and the railroad grade.

The City is well-qualified to complete and maintain the proposed project. It maintains nearly 20 miles of bike lanes and 20 miles of existing off-road trails, and has staff and budget available for maintenance of the proposed new trail facilities. In addition to completing planning and permitting for the proposed project, for over 38 years, the Conservancy has worked with the City on numerous projects including creation of a salt marsh system for waste water treatment, restoration and enhancement of wetlands, acquisitions for restoration and access, and sea level rise adaptation planning.

**Site Description:** The project begins in the City of Arcata and will occupy a narrow strip of land (approximately 14 feet wide) from just south of Highway 255 at the NCRA crossing. It continues through Arcata Marsh and Wildlife Sanctuary and south along the NCRA ROW, paralleling Highway 101, past the USFWS Humboldt Bay National Wildlife Refuge (HBNWR) to just south of the city limits, north of Brainard Slough (See Exhibit 1). The elevation of the trail and bridges is less than 15 feet NAVD 88. The trail will be located at the bay’s edge and abuts several nearby salt marshes, wetlands and tidally influenced creeks. Vegetation cover consists of loosely vegetated patches of scrub-type plants, brambles and eucalyptus trees (Exhibit 4).

**Project History:** For more than 30 years the Conservancy has funded coastal trail development projects on or near Humboldt Bay. Some of those efforts include the Hammond Coastal Trail, the Eureka Waterfront Trail, beach trails at Clam and Moonstone Beaches, Ma-le’l Dunes, and the Lost Coast Headlands, and the HBT and ARWTP, and preparation of the county-wide Coastal Trail Implementation Plan.

Specifically related to the proposed project, the Conservancy funded the *Humboldt Bay Trails Feasibility Study* (2001), discussed above and, in 2006, participated in the regional planning effort organized by HCAOG to engage stakeholder interest groups to evaluate the need, feasibility and potential alignment of a multi-modal transportation trail between, and into, the

cities of Arcata and Eureka. The product of that effort – the *Humboldt Bay Trail Feasibility Study: Eureka to Arcata 2007*, mentioned above – indicated that a trail along the rail corridor between the City and Eureka and connecting to trails in the City was feasible.

In late 2008, the Conservancy authorized a grant of \$1,065,000 to the City to undertake final design, environmental review and permitting for the 4.5 mile ARWTP as a segment of the HBT through Arcata and south to Bracut Marsh. By 2013, the City completed planning, engineering and route alignments for the trail. By 2015, the City completed the Arcata City Trail segment to Highway 255 with City Measure G transportation funds and Caltrans Active Transportation Program funds, and secured nearly all of the funds necessary to build the Humboldt Bay Trail North segment for the ARWTP. In winter 2015/16, the City submitted an application to the Conservancy seeking to fill the construction funding gap for the trail.

## **PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$550,000</b>
City of Arcata	\$1,020,380
Caltrans Active Transportation Program	\$3,100,000
Caltrans State Highway Operation and Protection Program	\$1,000,000
<b>Project Total</b>	<b>\$5,670,380</b>

The expected source for the Conservancy funds for the proposed project is the fiscal year 2016-2017 appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), codified at Public Resources Code (“PRC”) section 75001 *et seq.* These funds may be used to promote public access to and enjoyment of coastal resources of the State. (PRC section 75060.)

Conservancy projects funded utilizing Proposition 84 must be consistent with the Conservancy’s enabling legislation. As discussed immediately below, this project is consistent with Chapter 9 of the Conservancy’s enabling legislation.

## **CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed project would be undertaken pursuant to Chapter 9 (Sections 31400 *et seq.*) of Division 21 of the Public Resources Code. Section 31400 states the Legislature’s intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state’s coastline. Consistent with Section 31400, the goal of the proposed project is to construct a trail within and adjacent to the City of Arcata that will connect to current and future trail segments extending north and south of the city.

Section 31400.1 allows the Conservancy to award grants to public agencies like the City of Arcata to develop land for public access purposes to and along the coast where the accessway will serve more than local public needs. With its beautiful scenery of vast beaches and panoramic bluffs and mountains, Humboldt County is a recreational destination for many visitors from within the State and the nation. Surveys conducted during the planning phase revealed that 200-250 Arcata residents and 50-70 non-residents would use the trail daily. School groups, coastal

trail travelers and summer activities will increase trail use during the summer. Therefore the proposed project will serve more than local needs, consistent with this section.

Section 31400.2 allows the Conservancy to provide up to the total cost of the initial development of public accessways by any public agency. For the proposed project, Conservancy funds are leveraged heavily by matching funds, and will constitute approximately 10 percent of the total project construction cost.

Section 31400.3 allows the Conservancy to aid local agencies, like the City of Arcata, to establish a system of public coastal accessways. Consistent with Section 31400.3, the City of Arcata is a local agency with jurisdiction to plan, construct and maintain the trails, and will carry out the proposed project.

The proposed project is also consistent with Section 31408(a), which directs the Conservancy to coordinate the development of the California Coastal Trail (CCT), and Section 31409, which authorizes the Conservancy to award grants and provide assistance to establish and expand inland trail systems that may be linked to the California Coastal Trail. The proposed trail will connect with a previously-constructed section of the CCT through Arcata, the Arcata City Trail that in turn connects with the Hammond Coastal Trail to the north. Additionally, this section of trail will connect with the future southern section of the Humboldt Bay Trail.

#### **CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:**

The Conservancy-adopted *Standards and Recommendations for Accessway Location and Development* is relevant to the proposed project. The proposed project is consistent with several applicable standards. Consistent with Standard Nos. 1, 2, and 5, the proposed project will protect the public and coastal resources by routing and signing trails to avoid or eliminate hazards and promote safe recreation onsite while protecting sensitive habitats.

Consistent with Standard No. 3, trails will be maintained at a minimum width. The trail will be ADA-compliant and maintained at the minimum width needed to accommodate barrier-free access.

Consistent with Standard 8, the proposed project will provide bay access from the City of Arcata. The trail will provide pedestrians and bicyclists with safe access away from public roadways and highways. The trail will be signed to promote safe access and inform the public about the local environment. Benches, trash receptacles and interpretive signage will be provided.

Consistent with Standards 9 and 13, the entire length of the trail will be wheelchair accessible, and constructed (slopes, etc.) to accommodate limited mobility.

Consistent with Standard 10, the trail will serve as a Class I coastal bikeway and pedestrian accessway.

Consistent with Standard No. 12, the proposed project includes many support facilities to accommodate public use of the site including signs, benches, and trash cans.

**CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN  
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 1 Objective D** of the Conservancy's Strategic Plan, the proposed project will result in a new 3-mile segment of the California Coastal Trail that can be used as an alternative form of transportation.

Consistent with **Goal 2 Objective A** of the Conservancy's Strategic Plan, the proposed project will expand by 3 miles the opportunities for barrier-free access to and along the coast.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** The proposed project is consistent with two goals of the *California @ 50 Million: The Environmental Goals and Policy Report*: Supports Compact and Infill Development for Healthy and Equitable Communities and Incorporates Climate Adaptation into all Planning and Investment projects. The proposed project will reduce vehicle miles traveled and associated CO<sub>2</sub> emissions; expand active transportation opportunities; and consider the effects of climate change on public safety in trail planning.

The proposed project is consistent with the *CA Climate Adaptation Strategy/Safeguarding California: Reducing Climate Risk Plan* to Incorporate Climate Risks in Infrastructure Planning and consider Hazard Avoidance for New Development. The proposed project is designed to withstand potential hazards (e.g. flooding and sea level rise) during the life of the project. Also, the trail construction will account for potential risks and hazards during the design life of the project (e.g., tsunami warnings, safety features such as fencing and railings).

The proposed project is consistent with the *CA Wildlife Action Plan* because the trail has been designed in a location that minimizes potential conflicts with wildlife use. The trail maintains the integrity of the existing drainage patterns that function within the ecosystem. It promotes partnership between local and federal agencies through coordination between the City and USFWS regarding trail activities and interpretive opportunities adjacent to HBNWR. It will inspire a conservation ethic in present and future generations through expanded interpretive opportunities.

The proposed project is consistent with the *California Essential Habitat Connectivity Strategy for Conserving a Connected California* because the trail design minimizes habitat barriers. Bridges were chosen for slough crossings because they are least disruptive to the

aquatic habitat and maintain fish passage. Furthermore, bridges were designed to span the maximum length of the channels to avoid constructing abutments within the channel or on its banks, and piles will be driven using a vibratory pile driver to minimize acoustic impacts to sensitive species. As a result, the proposed project will not negatively impact essential fish habitat or critical habitat.

The trail will serve as a section of the California Coastal Trail as it runs along Humboldt Bay. Thus, the proposed project is consistent with the plan for *Completing the California Coastal Trail*.

The proposed project is also consistent with a number of local planning documents. It has been identified as a priority within *Humboldt County Association of Governments' 2008 Regional Transportation Plan*. The project is also identified as a priority in the *Humboldt County Coastal Trail Implementation Strategy; Regional Bicycle Plan; Regional Pedestrian Plan; and Arcata's Bicycle and Pedestrian Master Plan*.

4. **Support of the public:** The proposed project is supported by Congressman Jared Huffman, State Senator Mike McGuire, Assemblyman Jim Wood, the County of Humboldt, the Humboldt Bay Harbor Recreation & Conservation District, the Humboldt County Association of Governments, Caltrans District 1, the Humboldt Trails Council, Redwood Community Action Agency, the Humboldt Bay Bicycle Commuters Association, the North Coast Environmental Center, and Surfrider Foundation. See Exhibit 5 for project letters.
5. **Location:** The proposed project would be located within the coastal zone of both Arcata and Humboldt County jurisdictions.
6. **Need:** The recent completion of the ARWTP through Arcata has resulted in an increase of bicycle commuters, hikers, and recreational through-riders traveling through Arcata on their way to Eureka and beyond. The trail will provide a much needed off-road travel route that is safe from highway hazards.
7. **Greater-than-local interest:** Humboldt County, with its beautiful scenery of vast beaches and panoramic bluffs and mountains, is a recreational destination for many visitors from within the State and the nation, particularly given its proximity to several State and National parks and recreation areas. Developing a trail to connect Arcata south along the bay will provide superior recreational opportunities to visitors to the area, providing a new perspective on the bay. Surveys conducted during the planning phase revealed that 200-250 Arcata residents and 50-70 non-residents would use the trail daily. School groups, coastal trail travelers and summer activities will increase trail use during the summer months.
8. **Sea level rise vulnerability:** Worst case estimates for sea level on Humboldt Bay expect the bay to rise up to 9.74 feet NAVD 88 by 2050 and 10.95 feet by 2070. One worst case estimate for the year 2030 indicates the bay may rise to approximately 9.5 feet NAVD 88. Consequently, the trail will be built to elevations between 9.5 and 11 feet NAVD 88, with approximately 800 feet of trail at just 9.5 feet NAVD 88. The design life of the trail is projected to be at least 20 years. Therefore, all but 800 feet of trail, which may be topped by 2030, will certainly remain fully usable beyond its design life in light of anticipated SLR. With respect to the lowest 800 feet of trail, it is fronted by salt marsh to serve to lessen impacts from SLR at that location through marsh accretion and buffering the trail from wind and wave action. The City will monitor the trail condition and height relative to SLR and



anticipates that every 10 years it will pave and add trail bed thickness to keep ahead of SLR. Therefore, though a small portion of the trail would be vulnerable to impact from SLR, it is anticipated the entire trail would remain usable beyond its 20-year life span.

### **Additional Criteria**

9. **Urgency:** The City intends to initiate the construction bidding process in October 2016 to begin construction in 2017. Without a commitment of Conservancy funds before then, the City would either need to delay the project or scale back the scope until Conservancy funds become available.
10. **Resolution of more than one issue:** The design of the trail addresses two significant local concerns: safe non-motorized travel for commuters and keeping alive the possibility for rail service to return to the bay region. By positioning the trail within the NCRA ROW alongside the tracks and constructing it to meet Class I trail standards, the trail will accommodate both concerns.
11. **Leverage:** See the “Project Financing” section above.
12. **Conflict resolution:** The trail design resolves the conflict, discussed earlier, about building the trail on or beside the unused NCRA tracks. The trail will be built within the NCRA ROW alongside, but not on, the tracks thereby accommodating potential return of train service, and keeping the trail within its preferred location between Highway 101 and the edge of Humboldt Bay.
13. **Innovation:** This project provides a unique opportunity to develop a trail along an unused railroad corridor and connect pedestrian recreational opportunities along the immediate shore of Humboldt Bay. The bay provides stellar opportunities for wildlife viewing and interpretation.
14. **Readiness:** Upon authorization of Conservancy funding, the City will have secured all of the funds necessary to complete the project and will seek construction bids beginning in October 2016, with construction expected to begin in 2017.
15. **Realization of prior Conservancy goals:** See “Project History” above.
17. **Cooperation:** The proposed project involves the cooperation of many invested and committed local entities including the NCRA, the USFWS, the City, the County of Humboldt, and Caltrans.
18. **Vulnerability from climate change impacts other than sea level rise:** Other than sea level rise, the proposed project is not significantly vulnerable to climate change impacts. It does not rely on a water supply, and therefore will not be impacted by drought conditions. Wildfire is not a risk because the proposed project is not near any heavily vegetated areas, and is bordered by Highway 101 to the east and Humboldt Bay to the west.
19. **Minimization of greenhouse gas emissions:** The Mitigated Negative Declaration (MND) adopted by the City for this proposed project indicated that the project may result in greenhouse gas (GHG) emissions from: 1) project construction; and 2) vehicles used by those driving to the trail. (See Exhibit 6). The MND found that although the proposed project will be under various stages of construction for one or more years, the proposed project construction will not adversely increase GHG emissions. Additionally, the trail’s route through Arcata, together with its non-motorized transportation improvements will contribute positively to State and City efforts to reduce GHG emissions. Trail operation and the project’s bicycle and pedestrian improvements will potentially reduce motorized-vehicle trips, resulting in a reduction in overall motorized vehicle miles traveled and reduced GHG

emissions. Calculations for the trail's associated reduced CO<sub>2</sub> emissions were generated using the Recommended Monetized Values listed in the Department of Transportation Benefits Cost Analysis Resource Guide. These calculations show an annual potential reduction of approximately 241 tons of CO<sub>2</sub> emissions. Thus, the proposed project will result in a net reduction of GHG emissions.

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The proposed project is located in the coastal zone. The City's General Plan, adopted by the City in 1987, and certified by the California Coastal Commission in 1988, is the Local Coastal Plan (LCP) for the City. Because the proposed project will construct a trail, it is consistent with the following policies of the LCP:

- Parks and Recreation Policy - Goal II A.3 which encourages adequate pedestrian, bicycle and bus transportation to all recreation facilities and programs.
- Public Facilities Policy 2 which states that the City should emphasize alternative transportation.
- Public Facilities Policy 5 - Support bicycling and walking as transportation modes promoting personal health and recreation.

The proposed project is also consistent with the City's newest general plan, *Arcata General Plan 2020*, adopted by the City in October 2000, but not yet certified by the Coastal Commission, and covering the City of Arcata and its sphere of influence. Specifically, because the proposed project will construct a trail, it is consistent with the following policies:

- Policy 2.8, T-1: to create a balanced transportation system with choice of modes that will reduce the percentages of trips that are made by automobile and provide the opportunity and facilities to divert trips from automobile to other modes and directs the City to coordinate with regional partners to provide facilities to support non-vehicular intercity travel.
- Policy 2.8, T-5: to create a complete, interconnected bicycle and pedestrian circulation system, increase the percentages of person trips via walking and bicycling, and provide a pedestrian and bicycle system which serves commuter as well as recreational travel.
- Policy 4.2, OS-4b: maintaining coastal access corridors to Arcata Bay and public trust lands within the coastal zone.
- Policy Parks and Recreation Element - Goal II A.3 Encourage adequate pedestrian, bicycle and bus transportation to all recreation facilities and programs.

**COMPLIANCE WITH CEQA:** The City is the lead agency for this project pursuant to the California Environmental Quality Act (CEQA). On May 1, 2013, the City adopted the City of Arcata's Rail with Trail Connectivity Project (ARWTP) Mitigated Negative Declaration (MND). Pursuant to 14 California Code of Regulations (CCR) Section 15164, the City prepared an August 2016 Addendum to the MND describing minor modifications to the project and impact analysis. The MND and its August 2016 Addendum are included in Exhibit 6.

The adopted MND addresses the entire 4.5-mile ARWTP, Alignment A. However, the proposed project considered here for Conservancy authorization consists of funding for construction of only the 3-mile Phase 2 of the ARWTP (See Exhibit 2, marked "Humboldt Bay Trail North"),

that is specifically discussed as segments 4 – 7 of the ARWTP (referred to in this section as the “proposed project”). (See MND, pp 5 and 6, as modified by the August 2016 Addendum, discussed below). The proposed project is also shown on Exhibit 1.

Consistent with Section 15096, the Conservancy, as a responsible agency, must independently consider the City’s adopted MND and its August 2016 Addendum and consistent with Section 15096(g), has the responsibility to mitigate or avoid only the direct or indirect environmental effects of those parts of the project which it decides to fund or approve. The scope of the Conservancy’s CEQA compliance process therefore includes a review of the City’s MND and its August 2016 Addendum for the possible significant effects only of the proposed project.

Conservancy Review of the City’s May 2013 MND:

The MND includes an analysis of the potential significant effects of the proposed project in 17 resource areas concluding that there is no potential significant impact from the proposed project on Agricultural Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use And Planning, Mineral Resources, Noise, Population And Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems, including no possible significant cumulative impacts.

The MND identifies potentially significant impacts of the proposed project on Aesthetics, Biological Resources, Cultural Resources and Hazards and Hazardous Materials. The MND provides mitigation for these possible significant effects that avoids, reduces, or minimizes the possible effect to a level of insignificance. Each of these possible significant impacts and its mitigation are discussed below.

**Aesthetics**

With regard to **aesthetics**, the proposed project may have an adverse effect on scenic resources due to removal of trees, shrubs, and riparian vegetation along some trail segments in the Arcata Marsh and along South G Street. Furthermore, the removal of trees may adversely affect the existing visual character in these same areas. These potential impacts to aesthetics will be mitigated to a level of insignificance by implementing the following mitigation measure (Aesthetics-1).

- Soils and slopes exposed due to project-related earthwork shall be re-vegetated with native ground cover, understory species, and trees. Removed trees shall be replaced with native species on a 1:1 basis along the trail, where possible, and along nearby Janes Creek riparian areas currently lacking riparian-cover to offset to offset tree removal.

**Biological Resources**

With regard to **biological resources**, the proposed project may have possible adverse impacts on fish, plants, birds, wetlands and riparian habitat from trail construction, materials and equipment staging, and heavy equipment ingress/egress to construction and staging areas.

Fish species such as tidewater goby, southern Oregon/northern California Coho salmon, California coastal Chinook salmon and coastal cutthroat trout are known to inhabit the tributaries in Arcata and Humboldt Bay. The brackish to saltwater areas of Butcher’s Slough, Gannon Slough and tidally influenced lower portion of Jacoby Creek are considered potential habitat for several special status fish species (See Exhibit 6, MND pp. 20-21 for list). Direct impacts to the

creek and slough habitat in the project area would occur due to pile installation and bridge footings into the active channels and/or below the high tide line at Butcher's Slough and Old Jacoby Creek, and from temporary dewatering of Gannon Slough during installation. These potential impacts to fish species will be mitigated to a level of insignificance by implementing the following mitigation measure (Biological-1).

- Pile, bridge footing, and other ground disturbing construction activities within the channels and/or below the HTLs of Butcher's Slough, Gannon Slough, and Old Jacoby Creek shall:
  - (a) Include implementing minimization and avoidance measures, such as isolating pile installations, bridge footing installations, and other ground disturbing activities within the channel or below the HTL from flowing water;
  - (b) Include implementing Best Management Practices to avoid sedimentation and polluted runoff from draining to the creeks and sloughs from the construction sites;
  - (c) Restricted to the non-spawning seasons for the sensitive fish species that occur within these creeks and sloughs; and
  - (d) Include any other measures required by, or developed in consultation with, NOAA Fisheries, FWS, COE and DFW during the requisite 404, 1603 or other permitting, to avoid impacts to sensitive fish species.

Plants that potentially utilize estuarine intertidal emergent wetlands, such as those mapped in the project area include the Humboldt Bay owl's clover, Point Reyes bird's beak, Lyngbye's sedge, and sand spurrey. A survey for Humboldt Bay owl's clover and Lyngbye's sedge found approximately 0.71 acres and 0.16 acres of each, respectively. Less than 0.01 acres of Humboldt Bay owl's clover would be temporarily impacted during trail construction, and no acreage of the plant would be permanently impacted from the proposed project. There would be no temporary or permanent impacts to Lyngbye's sedge. Point Reyes bird's beak and Sand spurrey are assumed to be present within the trail corridor, and thus may be potentially impacted during construction. These potential impacts to plant species will be mitigated to a level of insignificance by implementing the following mitigation measure (Biological-2):

- All efforts shall be made to avoid Humboldt Bay Owl's clover, Point Reyes bird's beak and Sand spurrey during trail construction. Efforts will be made to schedule construction for times when these plants are dormant or have dropped their seed. Should construction occur during times when these plants will be present, the area will be surveyed and any individual Humboldt Bay Owl's clover, Point Reyes bird's beak and Sand spurrey plant will be flagged for avoidance. If construction will impact any Humboldt Bay Owl's clover, Point Reyes bird's-beak and Sand spurrey plants, these plants shall be replaced on a 1:1 basis at sites adjacent to the trail corridor or in the proposed mitigation areas determined to be suitable by a qualified botanist.

Migratory waterfowl and shore birds may utilize the slough habitat within the proposed project area for resting and feeding. Project construction activities could generate temporary noise, dust, vibration, and light that could have adverse impact to avian species seeking rest and forage. These potential impacts to avian species will be mitigated to a level of insignificance by implementing the following mitigation measure (Biological-3):

- The City of Arcata shall have pre-construction surveys conducted by a qualified biologist for sensitive migratory waterfowl and shorebird species in the sloughs to be crossed by the proposed trail. If the survey finds these species to be nesting within the vicinity of the proposed trail: (1) construction shall be delayed until the end of the nesting season of these species; or (2) a 150-foot wide buffer within which no construction activities may occur shall be established around occupied nest until the young have fledged.

Wetlands and riparian habitat within the proposed project area potentially could be impacted from trail construction and equipment staging.

The proposed project would result in impacts to palustrine emergent wetlands, estuarine intertidal emergent (saltmarsh) wetlands, and estuarine emergent (ditch) wetlands. Permanent loss of 1.78 acres of wetlands will result from installation of the Arcata Marsh Berm Bridge connecting the NCRA ROW with the berm trail in the Arcata Marsh, and from permanent shading caused by installation of other bridges over Jolly Giant Creek, Butcher's Slough, Gannon Slough, and Old Jacoby Creek. The proposed project will have temporary impacts to staging areas and ingress/egress routes within the construction area. These potential permanent and temporary impacts to wetlands will be mitigated to a level of insignificance by implementing the following mitigation measure (Biological-4) (Please note that the MND mitigation ratios are reduced in the Addendum to the MND, described above):

- The City of Arcata shall prepare and implement a Wetland Mitigation and Monitoring Plan to replace impacted wetlands. The plan shall be designed to meet applicable regulatory agency (USFWS, Army Corps of Engineers (COE) and California Department of Fish and Wildlife (CDFW)) requirements. At a minimum, the plan shall replace the acreage of jurisdictional wetlands to be permanently impacted by the proposed trail, as set forth in Table 1 of the MND (Exhibit 6, MND, p. 19), with the creation of comparable on-site wetlands on a 1:1 basis, include an estuarine wetland enhancement component of 2:1 for impacted acres of wetlands, include a revegetation plan that reflects the native plant species within the wetland types to be mitigated, and include maintenance of the wetlands for a minimum of 5 years, including the replanting of any dead or dying plants within the new wetlands.

Wetland mitigation activities (creation and enhancement) may potentially impact certain resources including biological and cultural resources, and potential exposure to hazardous materials from soil disturbance including digging and grading. As such, the following mitigation measures shall be implemented to reduce potential impacts to biological and cultural resources during wetland mitigation to a level of insignificance (Biological-5, immediately below, and Cultural-3 and -4, and Hazards-4, described in the respective sections below):

- The City of Arcata shall have pre-construction surveys conducted by a qualified biologist for sensitive plant and animal species on and within the vicinity of the proposed on-site wetland mitigation sites. If the surveys find sensitive species, the City shall: (1) implement all the recommendations made by the biologist to avoid significant impacts to these species; and (2) conduct any consultations with, and obtain any permits that may be required from, applicable regulatory agencies (e.g., USFWS, CDFW, etc.).

Riparian habitat will be impacted by removal of trees along trail segments in the Arcata Marsh and along South G Street. These impacts to riparian habitat will be mitigated to a level of insignificance by implementing the following mitigation measure (Aesthetics-1):

- Removed trees shall be replaced with native species on a 1:1 basis along the trail, where possible, and along nearby Janes Creek riparian areas currently lacking riparian-cover to offset to offset tree removal.

### **Cultural Resources**

With regard to **cultural resources**, potential impacts to archaeological resources have been identified and include a potential adverse change to the significance of archaeological resource.

The proposed project alignment runs from Highway 255 then south adjacent to the NCRA ROW to the Arcata Marsh. Within the Arcata Marsh, the proposed trail alignment is located predominantly on existing Marsh trails. Once crossing Butcher's Slough at the Arcata Wastewater Treatment Plant (WWTP), the trail alignment leaves the Marsh and continues parallel to the railroad tracks adjacent to South G Street. The trail continues south beyond the Arcata City Limits parallel to the railroad tracks between Highway 101 and Humboldt Bay. Based on the above, the proposed trail alignment travels through previously disturbed lands.

An archaeological records search at the North Coast Information Center (NCIC) was conducted as part of the cultural resources investigation by Roscoe & Associates (Appendix E to the MND is confidential information and is not included in Exhibit 6). According to the records search, the trail alignment does not intersect known archaeological sites. However, there are six previously recorded archaeological sites within 0.5 miles, including two sites within 0.25 miles, of the project area. Proposed alignments through property that is already disturbed (i.e. railroad prism, substantially developed parcels) have less of a potential of impacting cultural resources than alignments through property that has not been previously disturbed. As indicated above, most of the proposed trail segments are either directly adjacent to the NCRA ROW or transect previously developed areas. No new archaeological sites were found or identified during the cultural resources study (Roscoe & Associates, 2010). However, there would still be a potential to unearth archaeological resources, paleontological resources, and/or human remains during trail construction. The potential impacts to cultural resources related to trail construction will be mitigated to a level of insignificance by implementing the following mitigation measures (Cultural-1 and -2):

- Earthmoving and excavation activities will be monitored for presence of archaeological or paleontological artifacts and immediately stopped if such activities uncover suspected cultural resources; any suspected cultural resources sites will be inspected by a qualified archaeologist, and any reporting/curation/preservation recommendations made by the archaeologist will be implemented. Also, if human remains are uncovered, the City of Arcata and the appropriate Native American representative will be notified immediately, and the remains will be treated in accordance with all applicable federal, state, local and tribal requirements.
- If human remains are uncovered during trail construction activities, construction activities in the immediate vicinity of the remains shall be halted, the City of Arcata Planning Department, Humboldt County Coroner, Native American Heritage Commission (NAHC), and the relevant Native American representative(s) shall be notified, and the remains shall be treated in accordance with NAHC treatment and disposition requirements.

Wetland mitigation activities (creation and enhancement) may potentially impact cultural resources from soil disturbance including digging and grading. Prior to developing the mitigation

wetlands a NCIC records search and reconnaissance (e.g., surface) level archaeological/paleontological field survey will be conducted by a qualified archaeologist of the mitigation wetlands to prevent potential impacts to any cultural resources that may be present. The potential impacts to cultural resources related to creation or enhance of wetlands thus will be mitigated to a level of insignificance by implementing the following mitigation measures (Cultural-3 and -4):

- The City of Arcata shall have an NCIC records search and reconnaissance (e.g., surface) level archaeological/paleontological field survey conducted by a qualified archaeologist of the mitigation wetlands sites prior to development of the wetlands. If the records search indicates that archaeological resources have been previously recorded at the mitigation wetland sites, or if archaeological or paleontological resources are found on the mitigation wetland sites during the field survey and determined by the archaeologist to be “significant” or “unique” as defined by CEQA, required mitigation shall be identified by the consultant and implemented by the City prior to construction (including, potentially, subsurface investigations).
- Implement Mitigations Cultural-1 and -2 at the mitigation wetlands sites.

### **Hazards and Hazardous Materials**

With regard to **hazards and hazardous materials**, potential impacts to the environment or people could occur from exposure to subsurface hazardous materials, substances or waste that may be encountered during earth moving activities associated with trail construction.

Portions of the trail would occur within the NCRA ROW which may contain contaminants often found along rail lines (e.g., heavy metals, hydrocarbons, chlorinated compounds, pesticides, and PCBs). The proposed trail corridor is characterized by several uses, including the NCRA’s North West Pacific rail line, City of Arcata surface streets (South G Street) and shoulders, existing trails within the Arcata Marsh & Wildlife Sanctuary, and the tops of several levees. The trail would bisect or occur within the vicinity of areas where industrial or waste uses have historically occurred, including industrial operations near and south of Highway 255 and a former trash dump site within Arcata Marsh. The City prepared a Phase I Environmental Site Assessment (ESA) for the proposed project. The ESA includes a hazardous materials records search conducted by Environmental Data Resources, Inc. (EDR) which lists recorded hazardous materials/waste sites within specified search radii of the trail corridor, file reviews for those listed sights thought to have a potential to be impacted by the proposed trail, a hazardous materials field reconnaissance of the trail corridor conducted by Winzler & Kelly (W&K), and an interpretation of findings prepared by W&K. The ESA for the ARWTP, including the proposed project, is in Appendix F of the MND (See Exhibit 6). This discussion relates only to the HBTN, from Highway 255 south to north of Brainard’s Slough.

No hazardous materials storage drums or tanks, and no visual evidence of soil contamination, was noted during the field survey of the trail corridor. However, the EDR records search identified one recorded hazardous materials/waste site within 1/8th mile of the proposed project, located south of Highway 255 (Exhibit 6, MND, Appendix F, Figure 3-10). This site poses an undetermined risk of underground leaks that may be encountered during trail construction. Furthermore, historic railroad operations likely included the use of hazardous materials listed above, and may have contaminated the railroad ROW where the trail will be located. Therefore,



there exists the potential for impacts for environment or human exposure from earthmoving activities during trail construction if subsurface contamination is present near the industrial site located in the EDR search or along the ROW. The potential impacts from hazards and hazardous materials will be mitigated to a level of insignificance by implementing the following mitigation measures (Hazards-1, -2, and -3):

- Pre-construction soil borings shall be conducted to characterize the soil and groundwater adjacent to the NCRA ROW where the alignment follows the RR track. Laboratory analytical results of samples collected from these borings shall be utilized to ascertain whether health and safety concerns are present and to determine necessary soil and/or groundwater disposal options.
- Project construction contractors shall report any evidence of potential soil contamination, or any unearthing of storage drums or other potential sources of hazardous materials/wastes, to the City. If determined by the City to be warranted, a Phase II Environmental Site Assessment shall be conducted, including a hazardous materials field survey, borings, and soil testing to determine if hazardous materials contamination is present, and if present, the spatial extent of the contamination. If contamination is found, the City shall have the site remediated to the satisfaction of the applicable federal, state and county regulatory agencies.
- If any dewatering is required during construction within 300 feet of any of the recorded hazardous materials/waste site, the City shall have the water proposed for removal tested for contamination prior to dewatering activities. If the water is found to contain regulated contaminants, the City shall have the water remediated to the satisfaction of the applicable federal, state and county regulatory agencies prior to removal.

Wetland mitigation activities (creation and enhancement) may potentially result in environmental or human exposure to hazardous material from soil disturbance including digging and grading. The identified wetland mitigation sites are not anticipated to have the potential to expose persons to any hazardous materials that may be present. The potential for environmental or human exposure to hazardous materials during the creation or enhance of wetlands will be mitigated to a level of insignificance by implementing the following mitigation measure (Hazards-4):

- The City of Arcata shall have a Phase I Environmental Site Assessment (e.g., EDR records search, interviews, historical research, and reconnaissance-level field survey) conducted by a qualified engineer or hazardous materials consultant of the mitigation wetlands sites prior to development of the wetlands. If the Phase I indicates that un-remediated hazardous materials sites are listed by government records as occurring on the mitigation wetlands sites, or if the field survey finds hazardous materials contains/tanks or evidence of hazardous materials contamination, required mitigation shall be identified by the consultant and implemented by the City prior to construction.

#### Conservancy Review of the City's August 2016 Addendum to the May 2013 MND

The City's August 2016 Addendum finds that two project changes will not result in any of the conditions described in Section 15162 (preparation of a subsequent environmental document after adoption of an environmental document) and therefore the City approved preparation of the August 2016 Addendum to its adopted MND pursuant to Section 15164(b). Section 15164 (b) provides for a lead or responsible agency to prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary or none of the conditions

described in Section 15162 have occurred.

The City's August 2016 Addendum to the MND analyzes two changes to the proposed project as follows:

- 1. Project Change: Reduce the trail length by 400 feet by terminating the southern end approximately 400 feet north of Bracut Marsh. This change reduces the trail foot print and the associated potential impacts with construction of that 400-foot trail section, including eliminating construction of one bridge and its possible significant effects from grading and filling for pilings and piers on the wetland resources.
- 2. Project Change: As a result of final calculations, the mitigation required to compensate for wetland loss increased from 1:1 replacement for palustrine and 2:1 for estuarine to 1:1 for palustrine, 2:1 for out-of-kind estuarine creation and 5:1 for estuarine enhancement. This change results in increased mitigation requirements. The City will prepare a revised 2016 Wetland Mitigation Plan that addresses these increased mitigation requirements for the final calculated wetland losses.

The City's analysis included reviewing the results of a 2013 cultural resources survey, during which no new archaeological sites were found or identified (Roscoe & Associates, 2014).

#### Conservancy Adoption of the Mitigation Monitoring and Reporting Program

When the City approved the MND for the project, it only adopted a Wetland and Habitat Mitigation and Monitoring Plan and did not adopt a mitigation monitoring and reporting program for the mitigation measures that address the project's potentially significant impacts on Aesthetics, Biological Resources, and Hazards and Hazardous Materials. Consistent with Public Resources Code Section 21081.6 (CEQA), staff has prepared a Mitigation Monitoring and Reporting Program (MMRP) for this project (See Exhibit 7). The MMRP includes a program for implementing the mitigation measures identified in MND. The MMRP identifies the City as the entity required to implement the mitigation measures identified in the MND and this staff recommendation includes a condition in the Conservancy's proposed authorization that the City shall implement the MMRP. Therefore, staff recommends that the Conservancy adopt the MMRP in its findings under CEQA for this project.

#### Conservancy Staff's Recommendation for Compliance with CEQA

Conservancy staff recommends that the Conservancy find that, as a responsible agency, it has independently reviewed the Arcata Rail with Trail Connectivity Project's Mitigated Negative Declaration approved by the City of Arcata on May 13, 2013, and its August 2016 Addendum, (Exhibit 6); that the project as mitigated avoids, reduces, or mitigates the potential significant environmental effects to a level of insignificance; and that there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382. Staff also recommends that the Conservancy adopt the Mitigation Monitoring and Reporting Program (MMRP) (Exhibit 7) for the proposed project.

Upon Conservancy approval, staff will file a Notice of Determination for the project.